

Topsfield Zoning Board of Appeals

March 20, 2013

Chairman Moriarty called the meeting to order at 8:12 PM at the Town Library. Board members present were Robert Moriarty, Jody Clineff, David Merrill, David Moniz and Gregor Smith. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents. See attendance sheets for specific public hearings.

Visitors: Selectman Gandt; James O'Brien, John Palmisano, Frank DiLuna, Todd Tanger, Chief Ronald Giovannacci, Chief Evan Haglund, Captain Jenifer Collins-Brown

Minutes: Member Jody Clineff made the motion to approve the minutes of November 27, 2012 as written; second by Member David Moniz; so voted 4-0.

207 Boston Street Fairgrounds/ Loudspeakers: At 8:12 PM, Chairman Moriarty called to order the public hearing to consider the application of the Essex Agricultural Society for premises located at 207 Boston Street requesting a special permit pursuant to Article III, Section 3.05 of the Zoning By-Law for the use of loudspeakers from 12:00PM (Noon) until 10:00PM for a one day outdoor concert event, named "Boston Immersion", in June 2013 to be held on the Midway side of the Fairgrounds.

Presenting the application was James O'Brien, General Manager of the Fairgrounds. No abutters were present and no one spoke in opposition in regard to the special permit request. Mr. O'Brien reviewed the operation of the event and provided the members with a descriptive summary of how the Fairgrounds would handle said event relative to:

- Location and use within the Fairgrounds (layout plan)
- Midway and Fair Parking lots to be used; lock down of regular Fairgrounds
- Stage size
- Sound system
- Estimated Flow of Event (Time Schedule)
- Attendance limited to 5,000 patrons and controls; ticketed event; no seating
- Police & Fire Security Requirements
- Concession trucks for food

Mr. O'Brien noted that the promoters of the event are targeting a college aged demographic. Top 40 (Boston's Kiss 108 FM Genre) artists would be the performers and provided a list of artists that were being considered. There would be two headliners with the rest of the groups being New England based. Fire Chief Ronald Giovannacci and Police Chief Evan Haglund were present and noted no objections relative to the event. They respectively stated that there would be sufficient department staff on site to meet the public safety requirements for this event.

The Board made the appropriate findings relative to the required zoning relief. Member David Moniz moved that the Board adopt the foregoing findings and grant a special permit pursuant to Article III, Section 3.05 of the Zoning By-Law in connection with the one day outdoor concert event known as "Boston Immersion" for the use of loudspeakers from 12:00PM (Noon) to 10:00PM; seconded by Member Jody Clineff; so voted; 5-0

285 Boston Street: At this time, Chairman Moriarty opened the discussion concerning the modification request by Westport Communications LP to the special permit to allow the three public safety whip antennas to extend above the top of the 180' lattice tower. Ms. Knight summarized the situation for the Board. The members previously approved a permit for Westport Communications to allow a 20' extension to the lattice tower to allow the radio station to place its radio antennas on the cell tower to expand its service area. A condition of the permit was that no whip antennas would extend above the top of the tower. Prior to the extension, the public safety antennas extended over the top of the 160' tower. At the request of the Fire Chief, the antennas have remained at the top of the lattice tower to provide optimum communication for emergency communications for police and fire.

Chief Giovannacci stated that the public safety whip antennas need to operate at 100% maximum capacity and have always been on top of the tower since initially installed by Cell One. These antennas operate at 4,500 watts while the radio antennas operate at 8,000 watts. Even though the public safety whips were located on top of the tower, initial problems occurred when the radio station network commenced signally from the tower. To lower the whips and have no interference in communications would require engineering and the Town has no funds to contract said services.

Mr. Tanger, President of Westport Communications, stated that the radio station would do whatever the Town required in this matter.

Chairman Moriarty suggested that the radio station and fire department investigate a different color for the whips to blend with the landscape.

After further discussion, Chairman Moriarty moved that the Board amend the special permit decision to permit only the three public safety, non-commercial antennas to be placed at the top of the 180' lattice tower; seconded by Member Gregor Smith; so voted 5-0.

The meeting was adjourned at 9:12PM

Respectively submitted,

Roberta M. Knight
Community Development Coordinator